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One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT

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who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.

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THE MERCURY'S COURSE,

AND

THE RIGHT

OF

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The Correspondence which will be found at the end of this pamphlet, having made an appeal to the judgment of the people of the State, "with the evidence before them," upon the issues involved in the several articles which follow, I have deemed it not altogether superfluous to collect *all* the articles which have appeared on *both* sides, and thus give an opportunity for a fair judgment—the result of which I am quite willing to abide.

I. W. HAYNE.

[From the Charleston Mercury, Wednesday, August 27.]

ELECTION FOR REPRESENTATIVE.

The following is the result of the election held on Monday and Tuesday last, for a Representative to the State Legislature, in place of Col. J. Charles Blum, deceased:

	W. Whaley.	*T. G. Barker.*
Ward No. 1	172	148
Ward No. 2	182	156
Ward No. 3	274	250
Ward No. 4	368	233
Upper Poll	405	161
Lower Poll	298	125
	1699	1073

Majority for Whaley, 626.

THE ELECTION IN CHARLESTON.

The election, whose result we give above, has been looked to with a great deal of interest in the State, as determining the feelings and opinions of the people of Charleston, with respect to parties in the State and the policy of the General Government. The *South Carolinian* states the issue, which it supposes to be involved in the election, in the following words:

"*The Election in Charleston.*—The candidates for the Legislature have defined their position. Mr. Whaley approves, without qualification, of the resolutions of the Democratic Party of Georgia and Mississippi in their late Conventions, with respect to Governor Walker and his proceedings in Kansas; and, if elected to the Legislature, he will vote for that man for the United States Senate who, possessed of ability and character, will support the principles and policy of those resolutions in Congress.

"Mr. Barker (who, by the way, is a young man of about twenty-five, and just entering on the political stage) condemns Gov. Walker's unjustifiable interference in the affairs of Kansas Territory—deems the Convention, elected by the people of Kansas for the purpose of framing a Constitution, the only competent judges of the propriety of submitting that Constitution to the people—and, if elected, will vote for that can-

didate for the United States Senate who, he shall think, is best qualified to support the honor and dignity of South Carolina, to maintain the Constitution of the United States in all its integrity, and to carry out the true principles of the Democratic Party of the South."

Mr. Whaley being elected by the handsome majority of six hundred and twenty-six votes, we suppose settles the question as to the feelings and opinions of the people of Charleston.

In our article of the 19th instant, we ventured to assert, that "if the elections for members of Congress or our State Legislature were about to take place, South Carolina would evince the same unanimity which characterizes the people of Georgia and Mississippi. We do not believe that a single man, who sought the suffrages of our people, would dare to defend or support Walker's villainy in Kansas."

We wrote these words in view of the election then pending in this city, and determined yesterday, and they have been fully verified.—Neither of the candidates undertook to palliate or defend Gov. Walker. Mr. Barker's language is as follows:

"In reply to 'Many Citizens,' in the Mercury of yesterday, I answer—That I regard Gov. Walker's course in Kansas, as reported to us, as wholly irreconcilable with the principle of non-interference in the affairs of that Territory, and with the Democratic principle of self-government, which were intended to be secured by the provisions of the Kansas-Nebraska act, and which were proclaimed in the platform of the Cincinnati Convention which nominated Mr. Buchanan."

And thus it would be in every part of our State, if elections were now pending before the people. Yet the people were not satisfied with this disclaimer of Mr. Barker of any affinity with Gov. Walker. They elected a man, in preference, who would stand on the Georgia and Mississippi Resolutions, and in the election of a Senator for the United States Senate, would enforce their policy.

In another respect this election is very significant. We have heard a great deal about the National Democratic Party in South Carolina.—Its strongholds were supposed to be Greenville District, under the control of Major Perry, and Charleston, under the control of—we now, since the election, won't say who. Now this election seems to prove that there is no such party in Charleston as a National Democratic party. Neither candidate would grace their names with National Democrat. Mr. Whaley notoriously was the candidate of the State Rights Democratic party. Mr. Barker, in his speech to his supporters, distinctly declared what he was. He said:

"He had attached himself, when he first came out, to the Southern Rights Democracy, and he had fought with them for what he conceived to be great moral and political principles; and he had no intention now, because he was a candidate, to qualify or change his political creed in one single iota."

Mr. Barker's position is all that the State Rights Democracy can desire. If he had succeeded in his election, they could not have failed.—Their principles would have triumphed, if not their man. We congratulate our friends throughout the State at the result.

[From the Charleston Mercury, Thursday, August 28.]

Messrs. Editors:—We have carefully read the editorial of the Mercury, and although it professes to throw "a little more light" upon the result of the late election, we are still so far in darkness as to require still more light in order to comprehend the course of the Mercury. Of what is the late election significant? We do not care to follow the course of the canvass in our examination of the political antecedents of the candidates, or of the combination of influences which produced the result. These are well understood by the people of Charleston. To us it appears that no election has probably ever been held in Charleston, which was *less* decisive "of the feelings of the people of Charleston with respect to parties in the State, and the policy of the General Government."

It is as much due to Mr. Barker as to the people of Charleston, that dissent should be expressed to the view taken by the Mercury. The Mercury pretends that Mr. Barker's defeat was owing to his not having copied the Georgia and Mississippi resolutions *verbatim* in expressing his opinions on Kansas affairs, and his not having adopted the identical language of those who interrogated him through the Mercury.

We cannot believe that the intelligence of the community in Charleston has been exercised on such hair-splitting distinctions as these. We believe that the people of Charleston admire the independence of Mr. Barker in choosing his own language in which to state his political positions; while at the same time the Mercury is forced to admit "that *Mr. Barker's position is all that the States Rights Democracy can desire.*"

Again: The Mercury would fain have it that the election disproves the existence of any sympathy in Charleston with the National Democracy? How can this be so? The very candidate whose election the Mercury heralds as a subject of public rejoicing, is not only a National Democrat, but declared that "the National Democracy is the only party with whom we have any sympathy of feeling or community of opinion—the only party which stands out boldly for the Constitution, and the only party capable of giving any effectual aid in the support of our institutions and our common Constitution while in the Union." So far as we are aware, these views remain unrepudiated by Mr. Whaley, and judging from principle and experience, we should have supposed that they were in direct antagonism to those held by the Mercury. We know that it has been the consistent and uniform opponent of the National Democratic party, and has in no measured terms denounced the Convention which Mr. Whaley regretted that he was unable to attend; and yet we find it now exulting in the election of Mr. Whaley over one who is, and has been, a consistent Southern Rights Democrat, and who, at the very time that Mr. Whaley's National Democratic letter was being written, *declined to accept the appointment of Delegate to the Columbia Convention, tendered him by Judge Magrath.*

What the *political* principles are, upon which the Mercury approves the result of the election, we are at a loss to perceive. The political record of Mr. Whaley furnishes no explanation of so singular a phenomenon. We wait for further explanation. CHARLESTON.

[From the Charleston Courier of August 29.]

THE MERCURY AND THE RECENT ELECTION.

Messrs. Editors:—As an independent citizen, reared in the States Rights school, and unconscious of having at any time deviated from the faith, I feel constrained to enter an indignant protest against the attempt of the Mercury to make and unmake States Rights Democrats at its own sole behest. This print has, for a long time, assumed to dictate the principles, the measures and policy of the State. In all this it has been sufficiently narrow, proscriptive and denunciatory; but it is a step beyond to undertake to select the *men* who shall be voted for to sustain the principles, measures and policy which the Mercury itself accepts.

The Mercury of the 27th tells us that "Mr. Barker's position" in the late election "was all that the States Rights Democracy could desire," yet he was not *their* "man," and their friends throughout the State are congratulated on his defeat. And this is proclaimed in the face of the admission, that what are conceded to be true "principles would have triumphed" in his success.

Is it to be tolerated, that a press is thus not only to erect its Procustean bed upon which men are to be placed, and the rack applied if they are too short, and limbs lopped off if too long, but when a man is found to fit—who, in his own fair proportions, is neither too long or too short, who is "*all* that States Rights men can desire"—yet he is put under the ban, he and his supporters, because he is not "THEIR *man*!" I use "their man" as meaning the Mercury's selection, for in examining the article to which I allude, it will be seen it can mean nothing else.

The Mercury says that "Mr. Whaley notoriously was the candidate of the States Rights Democratic party." When was he selected?—Where nominated? How did he become their candidate? And why, I ask, was he chosen as the standard bearer of the States Rights Democracy?

I, for one, know of no meeting of the party—of no consultation of a general character among those usually taking an active interest in such proceedings. Again, I ask, by what authority the Mercury says that Mr. Whaley was "notoriously the candidate of the States Rights Democratic party."

Has it come to this, that the Mercury selects the candidate? Like other sovereigns, it may have a consulting "*cabinet*." Cabinets, however, are usually political, and, to some extent, represent a party. Is not this cabinet much more *personal* than political in its complexion?

If "Mr. Barker's position is all that the States Rights Democracy can desire," in what had Mr. Whaley the advantage personally, so as to make him "notoriously the candidate of the States Rights Democratic party?"

Were his politics more "States Rights" Democratic, or *a la* Mercury, than Mr. Barker's in 1850–'51, when he was understood to approve the "compromise" and oppose secession, whether "separate" or in "co-operation?" Or when he acted as Vice President to a Whig Convention and supported General Scott for the Presidency? When he *contributed to sustain* a Scott and anti-Pierce paper after his return?

or, at a later period, when he wrote his letter to Judge Magrath, enrolling himself as a "National Democrat" and lauding the "Cincinnati Convention?" Were these the antecedents making him *par excellence* the candidate of the States Rights Democratic party, in preference to Mr. Barker, whose antecedents were always States Rights and Democratic, who declined to go as a delegate under Judge Magrath's appointment, and whose position at the time was "all" that could be desired?

Does it not resolve itself into this, that anybody—Whig, Union-man, Compromise-man, Cincinnati Convention-man, National Democrat, whether he is any one or all of these,—becomes *the* candidate of the "States Rights Democratic party," *provided* the Mercury and its Cabinet approve; and any other person, though "all" that the party "can desire," is not only to be opposed during the canvass, but his defeat held up as a cause of congratulation throughout the State.

Will independent men, free men, Democrats, South Carolinians, submit to be thus PRESS-RIDDEN?

It is time that real States Rights men—not self-seekers, but having at heart the interests of the State and the South—firm in their own convictions, but tolerant of difference—content to persuade rather than drive—desiring harmony and not distraction—should unite to prevent any journal from assuming to select the candidate as well as to dictate, according to its will, the opinions and principles of the State.

Again: the Mercury speaks of the result of the late election "as determining the feelings and opinions of the people of Charleston, with respect to parties in the State and the policy of the General Government." Is it possible that the Mercury can believe this statement to be true? It is news to most of the voters.

Does the Mercury mean to imply that the 1699 votes cast for Mr. Whaley were States Rights Democratic votes, and the 1073 cast for Mr. Barker were the votes of men opposed to the doctrines and principles of the Southern Rights Democracy, as expressed in the resolutions (sanctioned by the Mercury) passed at the meeting of that party in August, 1855? Does not the Mercury know that the fact is otherwise?

The fifth resolution adopted at that meeting reads as follows:

"That in the opinion of this meeting the existence and progress of the organization known as the Order of Know Nothings, is opposed theoretically and practically to the principles which have hitherto characterized South Carolina as a State, and the *Southern Rights party* everywhere, and render a re-organization of that party in South Carolina a matter of imperative duty with those who remain steadfast in the faith."

One of the Editors of the Mercury was of the Committee which framed these resolutions—all of them approved.

Now, the "organization known as the Order of Know Nothings" may or may not be dead, but is it not "notorious" that the majority of those who then constituted that Order supported Mr. Whaley? I shall not pry into the secrets of the Mercury's cabinet, but I doubt whether *quondam* Know Nothings may not be found there.

Does not the Mercury know that very many voters refused to consider party politics as involved in the election, and gave their suffrages

for Mr. Whaley (a very pleasant and estimable gentleman) purely on personal grounds?

Is it not a fact "notorious," that many voters were, as they believed, committed to Mr. Whaley before Mr. Barker was presented as a candidate, and that these gentlemen voted irrespective of any political issue?

Mr. Barker was a very young man, brought out only seven days before the election, but little organization among his friends, and no distinct party issue presented. But notwithstanding this, I am of opinion that Mr. Barker, who had done good service in 1855, got a decided majority of those who, with the assistance of the Mercury, re-organized "the Southern Rights party" at the meeting referred to in August of that year.

Why should the Mercury arrogate all the credit of the late triumph to itself? Does the Mercury suppose that the magnificent vote in the Upper Wards was effected by its lucubrations on Kansas and the Cincinnati Convention? Will it give no share of the credit to its Know Nothing allies? But Mr. Whaley himself—will the Mercury concede nothing to his good-humored face, his facile manners, his many high qualities, and his skill in the way of making friends in a contest not *avowedly* of a party character?

The late election proves nothing but the old lesson, that combination and energy can always carry a community when it is caught napping? For one I am *now* WIDE AWAKE.

[From the Mercury's Editorial, August 29.]

The communication of "A States Rights Democrat" is, we presume, a sufficient answer to the communication in our paper of yesterday, signed "Charleston."

We must decline the further discussion of the subject with anonymous correspondents. The author of the article signed "Kansas" will, therefore, understand that his communication is inadmissible.

[Communication.]

THE ELECTION.

Messrs. Editors:—Last fall the National Democrats put forth Mr. Porter as their candidate for the Senate. The States Rights Democrats supported Mr. Whaley. Mr. Whaley was beaten by a small majority. A vacancy occurs in the Charleston delegation to our State Legislature, by the death of Col. Blum. Mr. Whaley is again brought forward by the party which supported him last fall against Mr. Porter, and Mr. Barker is brought out against Mr. Whaley. By whom? By those opposed to him. Who are they? Those, assuredly, who opposed him last fall, and supported Mr. Porter. Mr. Whaley is elected. Now, we beg leave to ask, was not Mr. Porter's election over Mr. Whaley last fall claimed as a party triumph of National Democrats? When now, Mr. Whaley *is elected over their candidate*, Mr. Barker, is it no triumph at all?

This simple statement, and the irresistible conclusion which follows it, it is attempted to refute by two parties. 1. That some of the National Democrats voted for Mr. Whaley; and, 2. That Mr. Whaley, from the letter published against him, had been a National Democrat.

1. That some National Democrats voted for Mr. Whaley is undoubtedly true, and it is true also that some States Rights Democrats voted for [redacted]. But such votes on neither side would affect the position of the two opposing parties. Some National Democrats might have voted for Mr. Whaley on personal grounds, or for the same reasons he abandoned the party,—more especially as recent events in the politics of the Union, bearing on the South, may not have strengthened their confidence in National parties; and some States Rights Democrats may have voted for Mr. Barker on personal grounds, or from Mr. Whaley's letter, or a better knowledge of Mr. Barker's opinions than the public supposed;—but we submit to all candid minds, such exceptions from party voting by no means affect the character of the result.

Mr. Whaley's letter undoubtedly proves that he was with the National Democrats last spring twelve month. But did they consider Mr. Whaley to be of their party last fall, when opposed to Mr. Porter, then candidate for the Senate? Did they consider him to be of their party when they brought out Mr. Barker against him a fortnight since. Did they consider him to be of their party when, on last Monday, in the midst of the election, they published Mr. Whaley's letter to Judge Magrath, when it was impossible for Mr. Whaley to reply to it before the election closed—not to prove that he was now with them, a National Democrat, but the contrary—to prove that he had been with them, and was now opposed to them, and thus convict him of inconsistency. The communication introducing the letter, after stating his having been of their party, says: "In October he sacrificed his recent prejudices in favor of the Democratic party, ignored his declaration that it was our duty and policy to support that party fully and fairly, and became a *candidate of its opponents*, and *went into full communion* with them."

Now, in view of the above facts, is it not marvellous that now, that Mr. Whaley has beaten them, he should be claimed by the National Democrats as one of the party, and his election, therefore, as being in their favor rather than against them. Your correspondent, "Charleston," plainly intimates this, and the Charleston Standard keeps time as follows:

"When a party is divided between two of its members, and the outsiders run no candidate of their own, they will probably help to elect one or other of the candidates of the divided party. If it be thought by any that, even after this, the issue settled in the late election is not clearly shown, we reply that we cannot help that—we pretend to no more light on the subject."

No, gentlemen, this won't do. When you did not say "National Democrat" for your candidate, don't, when defeated, apply it to ours also, and claim that you are victorious by his election. Neither is it quite fair, when you profess to act on distinct principles, now to assert that there were no principles involved in the election. You do yourselves, as well as your opponents, wrong. The election was not mean-

ingless, and did "express the feelings of the people of Charleston with respect to parties in the State, and the policy of the General Government." The "splitting of hairs" involved nothing less than the election of a Senator to the United States Senate by one party or the other in the State. Everybody understood this.

A STATES RIGHTS DEMOCRAT.

[From the Charleston Standard, Sept. 1.—Rejected by the Courier.]

THE MERCURY AND FREEDOM OF THE PRESS.

We have heard much during the last year of "Freedom of the Press." What does the term mean, and what is the "area" of this freedom? Does it include editors only, and those who speak what they would wish to do, but perhaps dare not? Or does it embrace the citizen who differs from the Press, and desires to be heard?

The public have some interest in the solution of these questions. If the Press can utter what it pleases, and stifle all reply, then its boastful "freedom" is a hateful tyranny. It gives power to the Press, and curtails in a like proportion the liberty of the subject citizen.

The Mercury misrepresents the circumstances of the late election.—A short reply is admitted, which is followed by another article reiterating the misrepresentation, and containing a misrepresentation more gross, if possible, of the circumstances of the election last fall, accompanied with the declaration that its columns are closed to any rejoinder. This is "Freedom of the Press," according to the Mercury! Does the Courier recognize the same rules of action? If so, the community should know, and shall know, how the "Freedom of the Press" in Charleston affects the freedom of the citizen.

If there be an independent Press in the city, I claim a place for a counter statement, to be paid for if required, but a place where the discussion of such matters is looked for, and not among the advertisements of dry goods and groceries.

You inserted my correction of the first statement, for which I thank you—curtailed, it is true, and the point somewhat blunted if not altogether destroyed. But of this I make no complaint. I ask to correct the misstatement which has been added to the original one.

The Mercury's correspondent (endorsed editorially) says that "last fall the National Democrats put forth Mr. Porter as their candidate for the Senate. The States Rights Democrats supported Mr. Whaley."

How are the facts? Mr. Porter's only party nomination for the place of Senator dates as far back as 1848, when he was "put forth" by the "Taylor Democrats," a strictly sectional party, opposed to the nominee of the National Democratic Convention, Gen. Cass, whom the Mercury supported. In 1852 he was re-elected, without a nomination, and unopposed. In 1856, he being the incumbent of eight years' standing, was again a candidate, without a nomination of any kind. Mr. Porter had

sanctioned sending delegates to the Cincinnati Convention. I was one who regretted this movement, but like the great majority of the city and the State, thought it no sufficient cause for dividing our people. While Mr. Porter was thus a candidate for re-election to the Senate, Mr. Whaley was presented—I will not say "put forth," or by whom—as a candidate for Congress. Mr. Whaley—though in 1850 and '51 a Whig, Union man, and supporter of the odious Compromise Acts—was then recognized as a Democrat, standing on the principles avowed in his letter to Judge Magrath. This implicated *him* in the Cincinnati Convention movement much more decidedly than Mr. Porter. If there ever has been a period (which I doubt) when Charleston has had before her people a candidate running *specially* as a "National Democrat," it was during the short time that Mr. Whaley was in the field with Gen. Gadsden and Col. Cunningham. While things were in this condition, Judge Magrath was brought out, not on account of his Cincinnati Convention views, but with at least a portion of his supporters in spite of them.—Mr. Whaley thereupon declined, evidently showing that he had expected support from the same quarter.

Circumstances too painful for public discussion, but which still may have their private influence, induced Judge Magrath to withdraw from the canvass. The Hon. Wm. P. Miles, then and now Mayor of the city, was nominated as a candidate, at a large meeting of the citizens, and elected by a large majority of the voters of the District. Who were they who nominated and elected Mr. Miles? Does not the Mercury know that they were, in the city, substantially the same persons and the same party who had made him Mayor in 1855? Does the Mercury ignore the meeting held in Hibernian Hall in August, 1855? It is but two years ago. If the Mercury had really at heart the cause of Southern Rights, and desired to advance that cause, rather than its favorite, it would oftener recur to the platform then adopted, and upon which the Southern Rights party then re-organized achieved so signal a triumph. The Mercury was with that party, and aided in that triumph. These, I say, were "notoriously" the men who "put forth" Mr. Miles. By whom was he opposed? Chiefly by those whom the Mercury had joined in denouncing in 1855—the Know Nothings, or those who had lately been so. The Executive Committee appointed by those who nominated Mr. Miles, adopted Mr. Porter and placed him on the ticket with Mr. Miles. In this way *only* was he ever "put forth" by any party.—Are these—the former associates and coadjutors of the Mercury—the "National Democrats" now denounced? Why "National Democrats?" Mr. Miles never approved the Cincinnati Convention movement, and no man, perhaps, in the State was better entitled, from his antecedents, to be considered thoroughly States Rights and Southern Rights than he—unless his being a Co-operationist in 1850 and '51 excluded him from that category?

Is that the test with the Mercury? Then how comes it that Mr. Whaley is such a favorite, who then was a Unionist, a Compromise man, and afterwards a supporter of Gen. Scott against the Mercury's sole Northern exception, Gen. Pierce. Now, if Mr. Porter was "put forth" at all, it was by the same party which "put forth" Mr. Miles.

Is it not "notorious" that Miles and Porter, in the main, ran together, and Gen. Gadsden and Mr. Whaley? Yet the Mercury says that "the National Democrats put forth Mr. Porter," and "the States Rights Democrats supported Mr. Whaley!"

The men whom the Mercury joined in denouncing as "*opposed*, theoretically and practically, to the principles which have hitherto characterized South Carolina as *a State*, and *the Southern Rights party everywhere*," and whose action had rendered a "rally and re-organization of the Southern Rights party an imperative duty in South Carolina," are suddenly converted, in the eyes of the Mercury, to "*the* States Rights Democrats," and their old associates, (whether they will or not,) are made those most odious of all things, as it is the Mercury's cue *now* to represent affairs, "the National Democrats." The vanquished Know Nothings, or those who were so in 1855, and as such then most signally defeated, are now, with the Mercury, "*the* States Rights Democracy."

> "The times have been,
> That when the brains were out the man would die,
> And there an end: but they rise again
> And *push us from our stools.*"

This is bad enough; but that the Mercury, our old coadjutor, which exclaimed, on that occasion, "*magna pars fui*," which really was part and parcel of the conquering forces, though not perhaps the "head and front" as it then claimed to be, should take the part of these unmannerly intruders, is too much to be borne patiently.

In all seriousness, I appeal to my fellow-citizens, among whom I was born, to say whether a newspaper is to be allowed to assign to me my political position, and deny to me even the right of explanation.

Am I, who, from birth, nurture, education and association, am as likely to possess a heart that feels, and a head that understands what are States Rights and Southern Rights, as any one of the four or half dozen editors that supply the Mercury, to be disparaged before my fellow citizens, among whom I always have lived and always mean to live, and to be denied the plain right of explanation and self-defence. If I stood alone, what is my case to-day, might be any man's to-morrow. But I represent now, and on this occasion, a large body of native South Carolinians, and true Southern men, denied a hearing in the city of their residence.

This is a question far above any involved, as I conceive in the recent election. Mr. Whaley is a gentleman whom I respect personally, and I absolve him from all participation in the misrepresentation "put forth," and in regard to which the Mercury refuses to allow "farther discussion" in its columns. The majority of those who voted for Mr. Whaley are conscious, and, as honorable men, I doubt not, would admit that the Mercury has, I will not say intentionally, misrepresented the motives controlling them in casting their votes.

It is the unjust attempt of this Press to elevate its personal favorites, at the expense of others, that I consider the subject of reprobation.

The Mercury rejoices in the soubriquet of the Hotspur of the Press. *It "cavils," no doubt*, "on the ninth part of a hair" where only the

public good is concerned; but, like Hotspur, to "*a well deserving friend*" its charity and generosity knows no bounds. I remember an old lady, once well known among the religious community in this city, whose views on theology were those of the extremest Calvinistic school. According to her public avowal of doctrine—"narrow," indeed, "was the way," and "few," very few there were who walked therein. But so kind was the old lady's temper, that, throughout her very long life, no *friend of hers* ever died, that she did not perceive abundant evidence of "redeeming grace." Whether from a kind temper or not, I will not discuss—but the Mercury is very like her in throwing the mantle of charity over its *friends*, while the faggot and stake are too good for all others who cannot walk the "Al Sirat" of its erection.

WIDE AWAKE.

[From the Charleston Mercury's Editorial, September 2.]

LIBERTY OF THE PRESS.

We believe that it is universally conceded that no man has a right to have anonymous assaults upon a Press printed in its columns, and that a Press has a right to refuse to publish in its columns any such assaults. The reasons are most obvious. To be assailed is by no means agreeable, and no one can, with propriety, demand of an assailed party to help him in assailing him; but to demand of him to pay for the assault upon himself—to furnish the proper type, risk and labor, whereby he is assailed, and then to circulate it afterwards, is really a most extraordinary assumption. If an anonymous disputant has such a right, and happens to be longwinded or malicious, he might bankbrupt a press in six months. For these simple reasons no paper can be bound to print anything (much less anonymous communications) questioning or assailing any positions it may think proper to assume in its columns. Other papers may, if they think proper, lend their columns to anonymous assailants of a cotemporary press. With a liberality by no means usual (but which shall not easily be repeated,) we admitted into our columns, the anonymous communication signed "Charleston," questioning and disputing positions assumed by us in our columns. We, in justice to those assailed, as well as ourselves, admitted a reply, and then declined publishing anything more in our columns against ourselves. For this most extraordinary liberality to those who differ from us, we are denounced as violators of the liberty of the press.

[From the Charleston Standard, September —.]

THE MERCURY AND FREEDOM OF THE PRESS.

"*No paper*," says the Mercury, of 2d Sept., "*can be bound to print anything questioning any positions it may think proper to assume in its columns.*"

I had some knowledge of the practice of this press, but the announcement of a proposition so unqualified as the above, even from the Mercury, fills me with surprise. Take the case presented. An election is held in the city and the Mercury undertakes to declare that certain political principles were involved, and that the majority of 626 votes obtained by one of the candidates over the other, was an exponent of the preference of the community of one set of principles over the other. "With a *liberality*," says the Mercury, "*by no means usual* (*but* WHICH SHALL NOT EASILY BE REPEATED) we admitted into our columns the anonymous communication signed 'Charleston,' questioning and disputing" these positions. The Mercury, exhausted by a "liberality" so *unusual*, and of which it now expresses its repentance, refused a place, the next day, to a communication from a correspondent who protested, upon other grounds, [illegible]ing that he, and others similarly situated, had been unjustly treated in the representation made by the Mercury. This correspondent, like the first whom the Mercury calls "*anonymous*" sent his NAME with the piece. The Mercury knew him to be a subscriber of long standing—an hereditary subscriber—and who, as he himself stated in his communication, had expected to leave the Mercury as a family appurtenance, to his children. His father had, with the Mercury, fought valiantly and effectively in the days of Nullification. He himself imbibed the same principles, and had been with the Mercury in every political contest;—on the Wilmot Proviso—the Cass and Taylor canvass—the compromise acts—he was a *secessionist—a Kansas agitator—an anti-Cincinnati Conventionist*—and yet, when he respectfully protests against being read out of the States Rights Democratic party, for voting against Mr. Whaley, he is denied a hearing in the journal which he has so long contributed to sustain.

This may consist with the conventional morals of the PRESS—the press may speak for itself. I take no issue on this point, but it is revolting to the feelings, and shocks the sentiment of every just man who is not an editor.

"The liberty of the press," upon this idea, is a mockery; and the man who (as I know this rejected correspondent "*Kansas*" has done in regard to the Mercury) aids in extending the circulation of a paper of his own political faith, helps to elevate a TYRANT, whose behests he must obey, or lose position among his political associates. The Mercury knows, as we all do, that most of its readers can be reached only through its own columns, and *this it presumes upon*. No sophistry can reconcile such a course with the inborn sentiment of a freeman.

The Mercury, in the very paper refusing admission to the protest and explanation of its constant political associate "*Kansas*," publishes a new communication reiterating the old misrepresentation, and adding another erroneous statement affecting a still larger number of voters in regard to the election of last fall. With this second additional misrepresentation, it declares its columns *closed* to "further discussion."

On the 2d September it is "driven from its silence," however, and favors its subject readers with a royal manifesto more full of prerogative and the haughty spirit of self-emanating puissance, than anything addressed to Anglo Saxon ears since the time of that superb specimen of a would-be despot, JAMES 1st.

"To be assailed is by no means agreeable!" "to furnish type, risk and labor" for this purpose, is out of the question! Our "*liberality*" already has been "*extraordinary!*" Ungrateful hinds, you shall have no more of it! No feudal monarch could speak more proudly. We would suppose that the Mercury was not only owned by those who spoke, but that its readers and the public were *elemosynary dependents* upon the suzerain proprietors who issued a daily sheet *gratis*.

The Mercury has misrepresented a large number of those who have helped to *pay* for their "type and labor," and who have aided to place its editors in the position in which they now lord it so magnificently.

My question has been answered by the Mercury—how satisfactorily, this communication will express.

I address it now to the Press AT LARGE—is the liberty of the Press confined to Editors only? Or, is there recognized such a thing as FREE DISCUSSION BY THE CITIZEN? Is the doctrine of the Mercury and the practice of the *Courier*—exceptional, however, in this case—approved by their brethren of the Press? Does the authorized suppression of free discussion extend so far as to justify a paper in refusing to print the contribution of a subscriber and supporter, of the same political faith, *merely* because he questions positions assumed in its columns?

If we have in South Carolina a Press which is really free and independent, I ask a free and independent answer. Otherwise, I must suppose that the Mercury, on this point, speaks the sentiment of the Press, at least of this State.

WIDE AWAKE.

[From the Charleston Standard's Editorial, September 11.]

We publish this morning the reply of "Inquisitor" to the article of "Wide Awake." Whilst opening our columns to a free discussion, it is our duty to refuse to be made the vehicle of anything personal; and we, therefore, shall always, as in the present instance, claim the right to modify the expressions of articles presented for publication in our columns.

THE TYRANNY OF THE MERCURY AND THE FREEDOM OF THE PRESS.

Messrs. Editors:—Cant and hypocrisy are the order of the day. The Charleston Mercury, in its issue of the 27th of August, put forth certain views as to the late election, free from all personalities to any one. It stated, (what is very well known in this city) that the election was significant "of the feelings of the people of Charleston with respect to parties in the State, and the policy of the General Government." Or, as your anonymous correspondent, "Wide Awake," puts it in his own language, * * * * "an election is held in this city, and the Mercury undertakes to declare that certain political principles were involved, and that the majority of six hundred and twenty-six votes obtained by one of the candidates over the other, was an exponent of the preference of the community of one set of principles over the other."

For this outcry upon "independent men, freemen, Democrats and South Carolinians," the spleen and gall of this writer is incited to find vent in an ill-tempered and flippant assault upon the Mercury, through the Courier of August 29th. And this, although the morning previously the Mercury had admitted into its columns, without commentary, an anonymous communication under the signature of "Charleston," controverting the views it had expressed, in language as offensive as its general tone was discourteous. The writer called this style of address "indignation." To this, a calm and argumentative reply is, however, made by "a States Rights Democrat," presenting the facts of the case in a plain statement, convincing to all who were conversant about parties in the city, and were unbiassed by passion or prejudice.

Another attack upon the Mercury is also presented to its Editors in the form of an anonymous communication, signed "Kansas," which they very properly and respectfully decline to publish, stating that they could not enter into controversy upon such unequal terms as that presented by an anonymous writer.

Upon this another effusion of ignorance is poured out upon the Mercury, through the pages of the Standard. The article is a studied attempt, by a resort to party chicanery and demagogueism, to arouse bad passions and enlist prejudices against a print that has done more perhaps in the cause of States Rights, Southern Rights and pure Democracy, than any other paper in the State or South. Patience and forbearance have their limits, and it is no longer fitting that this should go at large unchallenged. It is therefore proposed at this juncture to respond to the very cogent style of argumentation adopted by one calling himself "Wide Awake."

The article is divisable into two heads. 1st. A charge upon the Mercury of "TYRANNY" for the expression of its views—and 2dly, for its violation of the "freedom of the press" in reference to the anonymous writer "Kansas."

There are some subjects, Messrs. Editors, so important that they are worthy of consideration, however overlaid by ill temper and perversions. Such is the latter charge prepared by your anonymous correspondent.

Briefly then to dispose of the first point: It is stated that "Kansas" has been "read out of the ranks of the States Rights Democratic party for voting against Mr. Whaley." It is candidly asked if the writer does not know this assertion to be unfounded in fact? If not, it can only be said that passion has blinded him to a perception of the plainest statement to the contrary. There were, doubtless, sufficient grounds in Mr. Whaley's previous political career to have deterred any anti-national States Rights man from voting for him unless he had become thoroughly convinced of his present fidelity and firmness to the principles of that party. And it is very well known that, for lack of this confidence on the part of some of the party, he did lose so much of their vote, which it is probable Mr. Barker received in consideration of his untried youth. If, therefore, "Kansas," or any other writer, places himself upon this platform, not one word has been said against him, as will be seen by a *reference to* the files of the Mercury. It would, beyond a doubt, take

equal pleasure and pride in claiming the companionship of such sterling *anti-national* States Rights Democrats. At the same time, it believes that Mr. Barker was supported by the most "national" party—as a party—that the city can afford; and probably, moreover, for the purpose of voting for a "National" or "Convention" United States Senator, in the impending election before the Legislature. It is equally believed that Mr. Whaley was mainly supported by the *anti-national* States Rights party—so much so as to make the election significant "of the feelings of the people of Charleston, with respect to parties in the State and the General Government."

These are grounds upon which the views entertained by the Mercury are based, and under which "Kansas" need by no means consider himself "read out of the ranks of the States Rights Democratic party," unless he chooses. The charge of the writer then falls to the ground amidst fume and bluster.

But to the second point. The Mercury has violated the "freedom of the press" by its rejection of the anonymous communication signed "Kansas!" And this writer further adds—"Is the liberty of the Press confined to Editors only? Or, is there recognized such a thing as FREE DISCUSSION BY THE CITIZEN? Is the doctrines of the Mercury and the practice of the Courier—exceptional, however, in this case—approved by their brethren of the Press? Does the authorized suppression of free discussion extend so far as to justify a paper in refusing to print the contribution of a subscriber and supporter of the same political faith, *merely* because he questions positions assumed in its columns?"

By this extract two questions appear to be raised:

1. Is it consistent with the liberty of the press for a paper to exclude from its columns the anonymous communications of a *subscriber*, questioning its views? 2. Is it consistent with the liberty of the press for a paper to exclude from its columns *any anonymous communications* questioning its views.

It is always well to have some slight comprehension of the terms made use of in any discussion. The neglect of this caution not unfrequently leads to a confusion of ideas, and to most illogical deductions, even should the writer by chance happen to be honest in his researches. What, then, *is* the "freedom of the press?" Is it the right of any private individual, without hindrance or molestation, legal or personal, to write and make public at his own cost and hazard, whatever it pleases him to write and make public, so that it infringe not upon the public decency, nor upon the rights of third parties? Here is not only the liberty, but the limit of the rights of the press. But what is the *Press?* Is it the means by which public expression is given to private written thought? It consists chiefly in the issue of books, periodicals and newspapers. The "freedom of the press," then, is the right of any private individual to issue either a book or a periodical, or a newspaper. It means this; no more, and no less. The right of "free discussion by the citizen" is identical and similar in each and every department of "the Press." As the book publisher is bound to publish no book which does not accord with his conceptions of his interest or the purpose to which his press is devoted, so in the same manner, and for the same reason, is

the proprietor of a print, whether quarterly, monthly, weekly, or daily—equally and entirely free to express just what views he pleases, and to exclude from his sheet whatever he thinks injurious to his interest, pecuniary or political, or to that of the public. The reason is obvious. Every newspaper, book or periodical is the property of its editor or publisher—strictly *private property*, as much so as a house, a horse, or a dog. Nor has any other man but its proprietor, any part, parcel or concern in it whatever. An editor, nevertheless, like every other public man, has certain responsibilities to the public, which shall hereafter be defined. Every publisher of books, reviews, magazines, or newspapers, simply collects at his own discretion, and his own risk of loss, certain reading matter, which he offers to the public at a certain price. Those who think it worth their money buy it—those who do not, won't buy it. If the judgment of the proprietor fails, he is ruined. The loss falls upon him, and him only. The right of "free discussion by the citizen" then, means nothing more than the right of any citizen to "discuss" verbally or in print any matter pertaining to the public interest, whether in the form of a book, a pamphlet, a periodical, or a newspaper, "free" from the molestation of government or the violence of private individuals. It was for this Milton wrote his great argument on the liberty of the press. The newspaper press was not then in existence—books were the only means by which men expressed their thoughts. Any other conception of the right of "free discussion by the citizen" is the result of pretentious ignorance.

Nor does the case of a *subscriber* to a newspaper differ in any respect from that of a non-subscriber, as to his right to control a paper and prescribe its contents. The issue of a paper is but the daily issue of a book. The subscriber who buys the sheet has a fair exchange of equivalents—so much reading matter for so much money. But his buying a copy of the paper cannot elevate him into a proprietor or editor of the paper, much less an editor without any of its responsibilities or risks of loss. It is true that editors generally admit into their paper such communications as in their opinion will be of interest or value to the public; and it is also true that any editor will always be more inclined to give insertion to the communication of a subscriber than those of any other person. There is a bond of union between them—so much so that they, not unfrequently to gratify a subscriber, lend them the use of their columns to publish their most vapid effusions. And I doubt not it was on this account that "Charleston" was admitted to publication by the Mercury. Where a subscriber brings a communication for insertion into the columns of a paper, he stands then like a non-subscriber, absolutely at the discretion of its editor, who is bound to exercise his judgment in deciding whether his interest or that of the public will be subserved by publishing it.

Every one has a right to print his own thoughts at his own expense, and to circulate them as he pleases, whether in the form of a book, pamphlet or paper. Type, paper, ink and composition can be bought. The editor casts his thoughts in the expressive mould of the newspaper press, and sells his sheets for a livelihood. And for a man to claim the right to demand of an editor to put his thoughts in the sheets of the

latter and to circulate them, irrespective of any discretion on his part as to their truth, value or benefit, is glaring oppression. But still further, to make an editor print them, not only against his judgment and wishes, but to print them, to the injury or ruin, (mayhap) of his paper, to circulate an assault upon himself, is an unbearable tyranny and a blow at the very base of all "freedom of the press," by those who affecting to be its zealous defenders, would clothe their selfishness in the garb of virtue. Indeed the pretension is inconsistent with the very existence of the press. No man [redacted]th would undertake to express it in the press, with the o[redacted]blishing also, at his expense, all the errors or absurdities which always gather around it. The task would not only be bootless, but it would soon bring him to bankruptcy.

But are editors without public responsibilities and duties? By no means; and in proportion to the manner in which they meet their high responsibilities will be the confidence they will enlist in their behalf. But those very responsibilities require freedom in the exercise of their high function. The claim set up for anonymous correspondents is nothing short of this; that every man in the community, by virtue of the "liberty of the press," has a right to have his anonymous communications printed in the columns of a paper, questioning and disputing its positions, and reasoning, uncontrolled by the volition or discretion of its editor. I wonder what man in England would have ventured to ask old Christopher North to admit into his magazine an article disputing his positions or arguments? If the views of your correspondent are correct, Editors would be stripped of all responsibilities. Their papers would be mere conduits, whereby the follies and passions of malignant or silly correspondents might disgust or pervert the public mind.

But whilst a paper belongs to the Editor, and he has a *right to exclude* communications disputing his positions or reasonings, or conflicting in any way with his judgment as to their propriety or value, ought he *on all occasions* to do so? I answer it is a matter solely for his discretion. It is admitted on all hands that no *private* person ought to be assailed in the press, and even public persons, where their qualifications, mental or moral, are disputed, or their public course impugned, ought to be allowed the privilege of defending themselves in the press in which they are assailed. Justice requires this, and it has been the constant practice of the Mercury. In the present instance there is nothing personal involved in the matter—no one is mentioned—no one is assailed.

Nevertheless in matters of general concern, involving general principles, his columns should be open within proper limits to free discussion of *general principles*, even though he has expressed very decided opinions upon them. Still the whole matter is within his discretion. And if the communication springs from hostility to his paper or party, or is, in his opinion, calculated to injure either, it ought to be rejected. Editors, like other men, are responsible, are bound to use their property and their power to the promotion of good and the advancing of correct principles, and therefore to reject from publication in their columns all communications which, in their judgment, are promotive of neither good ends nor good principles. He is morally responsible for the good or evil his press

shall produce; and he alone, by his conduct, must meet this responsibility. The rejected writer may think the editor a fool for rejecting his folly, but to call it tyranny is insolence.

The public have, doubtless, long since come to their own conclusions as to the fair dealings which characterize, or the patriotic motives that actuate the Charleston Mercury. They will not now be lightly shaken from their belief, especially upon any of the grounds or charges your correspondent has advanced.

INQUISITOR.

[From the Charleston Standard, September, 12]

Messrs. Editors: An article appeared in your columns of yesterday morning which requires a word or two of comment and denial. It is not my purpose to enter the lists as a champion of "Wide Awake." He is abundantly able to protect himself, and to volunteer assistance to him in a contest with "Inquisitor," would be a work of utter supererogation. I purpose simply to state the issue made and my connection with it, both of which have been erroneously stated by "Inquisitor." This I do as an act of justice to myself, and to place the true issue properly before the community. The opinion of "Inquisitor" on the subject, is a matter of indifference to me, and I shall take no trouble to correct it.

An article appeared in the Mercury, of the 27th ult., which, in the opinion of Mr. Barker's friends, did him and them great injustice. To that editorial I replied by a communication, decorous in language and temperate in tone; for I have ever considered an affluence of epithet as a mere cloak for poverty of ideas, and that in a discussion, especially a newspaper discussion, courteous and respectful language was due to the community, to myself and to my opponent. The article "Charleston" is before the community, and they are the proper judges of its tone and temper. Had its language been "offensive" or its tone "discourteous," as Inquisitor says, the Mercury, as a respectable journal, would have been bound, in strict duty to itself, to have rejected it, and no word of complaint could have been uttered; but they must have been well aware that no such objection could be sustained, for they made none. The article itself would have refuted the charge and shown its utter want of foundation.

The communication stated the view of the election taken by Mr. Barker's friend, and questioning the positions of the Mercury, was in reply to its editorial. That journal has itself made no answer. Justice to all would have dictated that the Mercury should, either have frankly owned its error, or re-affirming its position, brought reason and proof to sustain its assertion. It has done neither, but, adopting the middle course, preserves a solemn silence, and leaves its defence to the communication of correspondents.

Much has been said of the Mercury's liberality in publishing "Charleston." I am unconscious of the kindness. "Inquisitor" thinks it probable that "*Charleston*" was admitted to publication on the ground that

he was a subscriber, and pays a delicate compliment to the Mercury's subscribers in hinting that that very respectable journal "not unfrequently" bends its haughty dignity, and "gratifies" its subscribers by printing their "most vapid effusions." I am sorry that so delicate a compliment should be so utterly wasted on me, but I am not, and never have been, a subscriber to the Mercury. I asked no exercise of liberality to me by the editors of the Mercury on that account or any other. My right to admission into its columns rested on the ground that I was a citizen—born, reared and educated on the soil; that, as a citizen, I had the right to express my opinion on a political question in a communication devoid of personalities and courteous in its tone; that I sent that communication to the Mercury, enclosed in a note to the editors, signed with my name, and requesting them "to publish the enclosed communication, and *send the bill to me.*" These are facts which neither the Mercury nor Inquisitor can deny. How idle, then, in the face of them, to talk of anonymous correspondents, or vaunt the great, unusual liberality which granted access to the columns of the Mercury for a paid communication. If Inquisitor had carefully read his own article, he might well have paused before charging "Charleston" with "offensive language," and a "discourteous tone." But the retort should be *mutato nomine de te fabula narratur.*

CHARLESTON.

[From the Charleston Standard, September, 13.]

THE MERCURY AND ITS "NEXT FRIEND."

I have charged the Mercury with an abuse of the power of the press, inconsistent with the freedom of the citizen and the right of free discussion.

The charge was based,

1. On the fact that the Mercury, a political journal, claiming to be the exponent of certain political principles, and to speak for a party holding these principles, undertook to classify the voters in the recent election in such a way as to exclude from this party a very large number of voters holding the principles of which that paper claimed to be the exponent, and who had, in the last definite party issue in this city, belonged to the same organization with the Mercury.

2. On the further fact, that after this statement, the columns of the Mercury were closed to a discussion of the correctness of the classification on the part of its own political associates, subscribers and supporters, whose position had, as they conceived, been misrepresented by a a paper professing to speak for the party to which they belonged.

I have purposely avoided definitions and abstract propositions. In the "*case stated*," the Mercury, I have asserted, abused the power incident to its position as a public journal; and, I now repeat, that such abuse, if tolerated, is unjust towards individuals; abridges the freedom of the citizen, and becomes "a hateful tyranny."

This charge the Mercury meets by a "masterly" silence, a favorite policy with that paper when doubtful of the effect of discussion upon the opinion of its readers in regard to its own infallibility. The result is, that the major part of the readers of the Mercury are not in any way made aware that the charge has been made. "*Audi alteram partem*" has no part in the Mercury's conception of fair play. The Mercury seems to consider that its readers, like the Virginia Justice of the Peace, might be "bothered by hearing both sides." Better, therefore, to play "Sir Oracle," and "cream and mantle like a standing pool," in the self-complacent, yet calculating dignity of contemptuous silence.

But to outside barbarians, who sometimes look into other papers than the Mercury, the Mercury speaks by its "*next friend*," and the "type and labor" of the Standard are taxed for the Mercury's defence.

How near the Mercury this *next friend* may be, I shall not undertake to say; but one near enough, it seems, to consider himself justified in using *personalities* towards a writer who had dealt only with the *impersonel* of a PUBLIC JOURNAL.

What are the personalities suppressed or modified by the Editor of the Standard, I shall never inquire; still less shall I question his right to suppress and modify personalities. Epithets, addressed to an anonymous writer, are very much a matter of taste; and though an editor may not be as exact in regard to a correspondent, as when the language emanates from himself, he is right to refuse to be made the vehicle of what is vulgar or impertinent.

The Mercury's *next friend*, however, has been allowed the use of epithets sufficient to indicate the temper of him who speaks for the Mercury, to the outsiders. "Cant and hypocrisy," "ill tempered and flippant," "chicanery and demagogueism," "effusion of ignorance," "pretentious ignorance." "malignant," "silly," "insolence!" These are some of the polite epithets applied to one of the Mercury's supporters, subscribers and political associates, who dares question its classification of voters in an election where there was confessedly no party nomination, no party meetings, no *avowed* party action, and no distinct issue presented. Is this chaste language meant to prove that the Mercury is *no* tyrant, and that the late election *is* the subject of free discussion, provided that "type and labor" are found elsewhere? Or is it meant to intimate that though the Mercury answers not, as a *Press*, there is a power behind the Press, greater than the Press, which is determined to force other and more formidable issues than those of mere newspaper controversy.

I will inform the Mercury and its *next friend*, that the question raised is, in my opinion, one of *public right*, and so far as my action is concerned, I intend that it shall be settled by the reason and the common sentiment of freemen, and *not* by any personal issue between individuals. It may suit the purposes of others to *divert* the public mind to the consideration of subjects more exciting and absorbing. I have no such object. Whether I have exhibited "*cant and hypocrisy*," "*ill temper*" and "*flippancy*," "*chicanery and demayogueism*," whether I have been "*malignant and silly*," and have uttered only "effusions of *ignorance*;" *whether to question* the positions of the Mercury be "*insolence*," or

whether one and all of these pretty epithets might not be as well applied to the Mercury and its "*next friend*," I leave it to the public to determine. Neither "paper pellets of the brain," nor that "something after," of which such dread epithets may be considered the dark foreshadowings, shall "fright me from my propriety."

However much my articles may deserve to be styled "effusions of ignorance," they have provoked reply. Have they been answered? "A calm and argumentative reply," it is said, was "made by a States Rights Democrat, presenting the facts of the case in a plain statement." This statement was controverted, and a counter statement submitted, of facts supposed to be "notorious," which has not been controverted, and which it is fair to say, cannot be successfully attacked.

A new issue, however, had been raised, and that, it seems, avoiding the old one, is the subject of animadversion by the Mercury's friend.

When the Mercury declared that the "result" of the election was looked to "in the State as determining the feelings and opinions of the people of Charleston, with respect to parties in the State and the policy of the General Government"—that the majority of 626 votes given Mr. Whaley "settled this question"—that Mr. Whaley was notoriously the candidate of the States Rights Democratic party—when the friends of the Mercury throughout the State were "congratulated" on the "result" —what did all this mean? Surely this proclaims a triumph of "the States Rights Democratic party." Over whom? Over those who were not of the States Rights Democratic party. Over those who voted for Mr. Barker.

If this is not "reading" the friends of Mr. Barker "out of the States Rights Democratic party," so far as the Mercury had power to do so, then I do not understand the force of language.

This abuse of the power of the press on the part of the Mercury, was the subject of my first article published in the Courier. Upon the second point, that is, the refusal to allow its errors to be corrected in its own columns, I beg leave to revert to my former communications, and ask whether I have not avoided everything like dogmatism? whether I have not avoided any attempt to lay down general rules for the government of the Press? Whether abstractions have not been studiously eschewed? Was the Mercury right in the *case stated?* That was the question discussed. Differ as we may in the abstract, can any rule justify the course of that print? It is in the *concrete*, as the logicians express it, that I desired to have the matter considered.

The questions submitted to the press, at large, were these: "Is the freedom of the press confined to editors only? Is there recognized such a thing as *free discussion* by the citizen? Does the *authorized suppression of free discussion* extend so far as to justify a paper in refusing to print the contribution of a subscriber and supporter MERELY because he questions positions assumed in its columns?"

I shall not *now* join issue in abstractions. The term "Freedom of the Press" has various meanings according to the time and place where the expression is used. Its freedom from *Governmental* restriction is *not* the sense in which we have heard of it in the last year in Charleston, and the expression here, and during that time, has been confined to the

newspaper press. This freedom, define it as you may, is a mockery, I have said, if it can be so construed as to justify the course of the Mercury which has been adverted to.

The proposition that the "selection and rejection of all matter necessarily rests with the editor," determines nothing. This "discretion" authorizes him to reject articles *agreeing with and sustaining his own positions* as well as those "*questioning* or *assailing*" them. But does the editor *exercise a sound discretion* when he rejects an article *merely* and *exclusively* on the ground that it questions his position? Let the Press answer that question—those who are deterred neither by the *esprit du corps* of the craft, nor by fear of, or hope from, the Mercury. A Judge has an absolute discretion in many matters, where, should he be manifestly moved by either fear, favor or affection, he would stain the ermine of the bench, and utterly disgrace his high calling. A jury has power to render their verdict in a criminal case, and it is decisive, without right of appeal or supervision. But if it be clearly against the law and the evidence, who doubts that they have violated their duty to themselves, to the country, and to their God? If either Judge or Jury *abuse* the "*discretion*" with which they are invested, they are justly the subjects of public censure and reprobation. Admit then that it was legitimately within the "discretion" of the Mercury to have acted or refused action in regard to the matter in controversy, if it has exercised this discretion in violation of those "*public responsibilities and duties*" conceded by its advocate to be "*binding*" upon it, then the public have a right to question the course pursued.

That these "public responsibilities and duties" have been violated in the late course of the Mercury, I have endeavored to prove. The argument, I submit has not been met, either by the Mercury, or its friend, and it shall not be evaded or avoided, by the use of personalities. If the charmed circle of the Mercury's exclusive readers cannot be reached, a portion, at least of the citizens of South Carolina shall be furnished with facts, which are facts.

WIDE AWAKE.

[From the Charleston Courier of September 14th.]

THE TYRANNY OF THE PRESS.

Of "the late election in Charleston" enough has been said. Nor do we propose to enter into the particular acts of injustice complained of by the several correspondents, "Kansas," "Wide Awake," and "Charleston," who, claiming to speak for the community, and specially for the States Rights Democracy of Charleston, have *sufficiently* protested against the representations of the Mercury, as to the issue said to have been involved, and repudiated the triumph of Mr. Whaley as in any way a triumph of *principle* over his opponent.

The only facts we are concerned with are these:

1. *An editorial statement* put forth in the Mercury on the subject of the election, on the 26th August.

2. *A temperate communication* disputing the Mercury's positions, and denying any public issue as having been involved, but *assailing no one*—admitted into the Mercury, August 27, but as is *now* said, "*by a liberality unusual and not readily to be repeated.*"

3. *A temperate communication*, signed "Kansas," by an old subscriber and supporter of the Mercury, (whose name accompanied his manuscript [redacted] the Mercury's statements, which was *refused* admission into the Mercury, August 28; on which *same* day

4. An *anonymous* communication was published in the Mercury, endorsed editorially, and put forth avowedly *as an answer* to "Charleston" and other "*anonymous* correspondents;" said replication containing a reiteration, but *no proof*, of former statements, and adding *new assertions of fact*, and implicating *new parties.*

This communication, signed "States Rights Democrat," was accompanied on the same day, August 28th, by

5. An editorial announcement that the pleadings were ended, and "*that the Mercury's columns were thenceforth closed to further discussion of the subject!*" Our purpose is, for the sake of precedent, and as a *hater of tyranny* of every kind, to comment upon the positions thus taken by the Mercury—regarding that journal *as a public journal*, bound by its duty to the community it seeks to represent, to promote, within proper limits, *the free discussion* of matters of public interest—to secure the greatest possible facilities for *private vindication*, and above all, as *a political journal*, to be particularly scrupulous in its representations of political issues and party relations.

We will begin by finding the Mercury's condemnation in its own words. About a year ago, the Mercury, as stated below, "*felt themselves bound*" to publish certain articles, for the following reasons, given in the editorial of September 24th, 1856. The italics are ours:

"*To Correspondents.—The free discussion* of the qualifications and principles of men, brought forward for high political office, in times of difficulty and danger, like the present, has always been held by this journal *as a part of its duty to the people, whom it seeks to represent.* This duty may be sometimes painful, but so long *as we hold ourselves bound to afford the liberty of reasonable response to every correspondent* who calls in question the claims and qualifications of a candidate for office, we do not feel that we are invading any right, or deviating from *the proper character of a political journal.*"

We are at a loss to conceive how a Press, which only a year ago felt itself *bound* by such extreme notions of "*duty to the people it seeks to represent,*" can feel itself at liberty *now*, as a political journal, to put forth statements involving individuals and party principles, and afterwards to deny (as in the case of its correspondent "Kansas") all access to its columns—such access being the only means of self-defence and self-vindication left to those who felt themselves, by those statements, put in a false position before its readers.

We are driven to but one conclusion—that the Mercury has of late abandoned its former high standard as a political journal—that it owes

no longer any "*duty to the people it seeks to represent*," and feels itself bound alone to the narrow circle of its recent political alliances.

We are confirmed in this view by the extraordinary tone and positions assumed in its late pronunciamento on the much abused subject, "*The Liberty of the Press*"—positions consistent only with the idea, generally prevalent, of its being a *private*, and not a *public* organ.

ERSKINE.

[From the Charleston Courier of September 15th.]

To the Editors of the Charleston Courier:

The article in the Courier, signed "Erskine," as well as those from many other writers, waging war upon the Mercury for its editorial as to the result of the late election in Charleston, have been read with no little regret by a large portion of the community; and they, and every repetition of them, must be continued to be regretted as the cause of unnecessary turmoil continued by malcontents, who will never be satisfied, but continue to growl on until they and their enmities are left by the community in a far more decided minority. Justice requires that injustice and injury may not be done abroad to those who do not deserve it—that the facts of this case should be plainly and truthfully reviewed, and all will then know whether the Mercury had a right to claim the election of Mr. Whaley as a triumph or not. This community knows full well that there is a set of individuals here who are hostile to the Mercury, politically and every other way. I do not know whether they amount to a party or not, but acting together they have hitherto enjoyed all conquering success as far as elections are concerned.

Without charging Mr. Barker as belonging to any clique or combination whatsoever, we believe—and we further believe that "Erskine" is advised of the fact—that Mr. Barker was at the time of the election, and is now, opposed to the Mercury and its friends politically and otherwise, and that a majority at least of his supporters entertained like sentiments; for instance, "Charleston," "Kansas," and I would have added "Wide Awake," was he not so sensitive upon the point, and expresses so warm a desire not to be read out of the party for indulging in personal preference.

These remarks will enable me to state the case and show where justice lies. Mr. Whaley was first invited to run for the Legislature by those who were in close affinity with the Mercury, in fact its friends, and in that respect, although supported by many who were opposed to the Mercury, and objected to by some of his own personal friends on account of the Mercury, he was regarded by the Mercury as its choice, and in that light received its support. Mr. Barker was afterwards invited to oppose Mr. Whaley, and accepted, stating, and I use his own language, "I beg leave to say that I consented to become a candidate for the Legislature at the solicitation of many persons, who, like myself, do not approve *of* Mr. Whaley's political antecedents and connections." The

cause of opposition is here avowed to be political, and is divided into two heads, antecedents and connections. As to the antecedents, I do not think they could have weighed much in the scale of *the decided disapprobation* of Mr. Barker and his friends, for such sins as constituted Mr. Whaley's antecedents had been forgiven all over the South, and some of the most distinguished leaders of the States Rights Democracy of to-day were old line Whigs in 1852. It was the second head under which his great sin was to be found, political connections—one of which was the Mercury and its support. That was the great cause of disapprobation, and the prime cause of the opposition to Mr. Whaley. Under such circumstances the election was held, and the result is known. With these facts, and they are facts, is it surprising that the Mercury should have rejoiced in a triumph over its enemies. Every one must say it had a right to rejoice, and it did rejoice.

And did it rejoice in an unfair way, by putting its opponent in a false position? No one says so, for in the very editorial itself, the Mercury says in either event the States Rights Democracy would not have suffered. So I presume it would be as unjust a case to condemn the Mercury for rejoicing over the success of their candidate in the election, having done injustice to no one, as it would be to read "Wide Awake" out of the States Rights Party for having voted against Mr. Whaley, and indulged himself in a preference for another. MARION.

[From the Charleston Courier, September 16.]

THE MERCURY AND MARION.

Messrs. Editors:—The writer signing himself "Marion" expresses himself in a tone of moderation, and presents the case of the Mercury in a manner which, to himself, from *his* stand-point, I have little doubt appears fair and candid. He is entitled to a respectful reply.

I shall not stop to enquire whether it is true that there is "a set of individuals" in the city "who are hostile to the Mercury, politically, and in every other way." I take the ground that, unless this hostility, supposing it to exist, involves a departure from the acknowledged and recognized doctrines of the States Rights Democrats, or a refusal to act with that party, moving as such, the Mercury has no right, as a public political journal, "to read these individuals out of the States Rights Democratic party," on account of such hostility.

The gravamen of my charge is, that while the Mercury has the largest charity for political offences in *its friends*, it does not hesitate to hold up to the State at large, *as opponents of the States Rights Democratic party*, individuals, because of their supposed "*hostility*" to the [redacted] however orthodox otherwise.

[redacted] complaint is not that the Mercury rejoiced in the triumph over its "enemies," but that it undertook to claim all, who voted for its nominee, as *States Rights Democrats*, and to misrepresent a large portion of

those voting on the other side as in *opposition*, not to the *Mercury*, but to the *States Rights Democratic party.*

In other words, it presents, practically, as a test of political orthodoxy, voting with the Mercury in local elections.

"Marion's" communication, when examined, appears to me virtually to admit the charge.

But who constitute the "set of individuals" referred to by "Marion?" and where and how did this "hostility" originate? what "elections" are those referred to?

When the "rally and re-organization of the Southern Rights party" took place in August, 1855, were *these individuals* THEN hostile to the Mercury? Or is it not true that these individuals took position *then*, on the platform approved and in part framed by the Mercury itself?

Was the election of Mr. Miles to the *Mayoralty* one of the "all-conquering successes" referred to by "Marion?" Does this friend of the Mercury consider the defeat of the *Know Nothings*, in 1855, as a movement of that "hostile set of individuals?"

The Mercury, as a *Press*, I had supposed, itself favored the election of Mr. Miles, and was, *at that time*, opposed to Mr. Richardson as the exponent of the Know Nothing doctrines. Not so, however, with all its present friends.

The next election was that in October, 1856. The "all conquering [illegible] at that time, must allude to the election of Mr. Miles to *Con-*[illegible] Mr. Porter to the *Senate.* Had Mr. Miles changed his politics since 1855, when he was the selected exponent of "the Southern Rights party?" Mr. Porter, the incumbent of two terms standing, was a candidate for re-election to the State Senate. He had *presided* at the meeting of the Southern Rights party in 1855, and had been the very efficient Chairman of the Executive Committee of that party. Does not "Marion" know that THIS, *chiefly*, caused the opposition to him?—If the Mercury supported Mr. Whaley in opposition to Mr. Porter, could it have been on the ground of *political* difference?

I am not arraigning the conductors of the Mercury for allowing private feelings to influence them in *voting*, but I protest against the attempt of a PUBLIC JOURNAL to classify men *politically*, according to predilections or hostilities purely *personal.*

Who had a better right to proclaim the principles actually involved in the election than Mr. Whaley himself? These were his words published in the Mercury a few days before the election:

"The Legislative election is not intended to be, nor can it be, converted into a *test* of municipal party strength, *nor is there any immediate issue involved in the contest*, save a *personal* opposition to myself."

If the community have been "troubled by unnecessary turmoil," on this, as on every other similar occasion, it will be found *that the* MERCURY *threw the first stone.*

WIDE AWAKE.

[From the Charleston Courier, September 16.]

THE TYRANNY OF THE PRESS—NO. II.

"*To Correspondents.—The free discussion* of the qualifications and principles of men, brought forward for high political office, in times of difficulty and danger, like the present, has always been held by this journal *as a part of its duty to the people, whom it seeks to represent.* This duty may be sometimes painful, but so long *as we hold ourselves bound to afford the liberty of reasonable response to every correspondent,* who calls in question the claims and qualifications of a candidate for office, we do not feel that we are invading any right, or deviating from *the proper character of a political journal.*"—*The Charleston Mercury, Sept.* 24, 1856.

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LIBERTY OF THE PRESS.

"We believe that it is universally conceded that no man has a right to have anonymous assaults upon a Press printed in its columns, and that a Press has a right to refuse to publish in its columns any such assaults. The reasons are most obvious. To be assailed is by no means agreeable, and no one can, with propriety, demand of an assailed party to help him in assailing him; but to demand of him to pay for the assault upon himself—to furnish the proper type, risk and labor, whereby he is assailed, and then to circulate it afterwards, is really a most extraordinary assumption. If an anonymous disputant has such a right, and happens to be long-winded or malicious, he might bankrupt a press in six months. For these simple reasons no paper can be bound to print anything (much less anonymous communications) questioning or assailing any positions it may think proper to assume in its columns. Other papers may, if they think proper, lend their columns to anonymous assailants of a cotemporary Press. With a liberality by no means usual, (but which shall not easily be repeated,) we admitted into our columns the anonymous communication signed "Charleston," questioning and disputing positions assumed by us in our columns. We, in justice to those assailed, as well as ourselves, admitted a reply, and then declined publishing anything more in our columns against ourselves. For this most extraordinary liberality to those who differ from us, we are denounced as violators of the liberty of the Press!"—*The Charleston Mercury, Sept.* 2, 1857.

We freely admit that this is no question of invading "The Liberty of the Press," nor has "Erskine" ever discussed the issue with the Mercury in any such light. In this country, the Legislature is the sole quarter from which such invasions can proceed. A *Press* cannot, in the *proper* acceptation of the term, be said to invade "The Liberty of the Press," *except* so far as it may, by a course of Tyranny or Licentiousness, *provoke* the enactment of restrictive laws. The Law of Libel, in checking such licentiousness and public opinion in frowning down tyranny, are the recognized appeals in such cases. Neither can an individual be

said to invade "The Liberty of the Press," whether he takes the law into his own hands, or resorts to legal process of indictment against the publishers of, what he may conceive to be, a libel.

There is a popular expression, often confounded with that "Liberty of the Press," which Milton defended, which by a misuse of words has grown into constant use in modern times. We mean "*Freedom of the Press*," as used synonymously with "*freedom of discussion.*" This right of free discussion, *we* contend, is a right of the citizen, recognized by the unwritten common law of *Public* Journals in this country. Its sanction is in Public Opinion. To this tribunal we appeal in *our* issue with the Mercury.

A few words more as to the facts of this case. The frequent repetition of the word "*assailed*" in the last editorial of the Mercury quoted above, is calculated to mislead. We have read the rejected communication signed "Kansas," and *know* it to be courtoeus, temperate and dignified. The same of "Charleston," which every one has read, or may read, and judge for themselves. Both pieces written in self-defence and self-vindication—*assailing no one.* Both pieces accompanied by the *names of the authors*, and the one signed "Charleston" with a note requesting *the Bill.* So much for the *facts* and the Mercury's "*unusual*" and *not-to-be-repeated* liberality. From these facts, which are on record, from the Mercury's course of late years, and from the tone of its late editorial,—a tone, reconcilable only with the character of *a private* press,—we have drawn the necessary inference, that such is its *present character.* That conclusion once adopted, we, at once, acknowledge ourselves bound to yield our right to comment upon the Mercury's course as a *public* journal.

We can no longer, as we proposed to do, regard that press "as bound, by its *duty* as a *public* journal, to the community it seeks to represent, to promote, within proper limits, the free discussion of matters of public interest." We are no longer at liberty to arraign it before the community for having invaded *the right of free discussion*—for having denied the ordinary "facilities for private vindication;" and for having closed its columns to those who felt themselves misrepresented by its published statements.

While we do not regard the course lately pursued by the Mercury as one whit less unprecedented and reprehensible in point of tyranny and injustice, considered even as a *private press;* yet, if the Mercury chooses deliberately to assume that character, and, as such, to practice tyranny, injustice and wrong, it is for those who are wronged to defend themselves as well as they can. We thank God that there is a public opinion beyond the control of the Mercury's influence, and that there are independent journals in this State who deem it no breach of *press etiquette* to open their columns to "anonymous correspondents," who resort to them for free discussion, as well as for private vindication.

It is only while a press claims, and is allowed, to hold the position of a *public* press, and to represent the sentiments of the community in which it is established and by which it is supported—it is only while it is supposed to owe "duties to the people it seeks to represent"—while *it* is understood as admitting the implied contract between the public

and every public press in this country, by virtue of which, in *return* for its promoting "*free* discussion" within decent limits, and being a *faithful* and *impartial* chronicler of events, the public accords full faith and credit to its representations—it is only under these circumstances, and where such a journal has secured a certain prestige, that it carries much weight, or that *very* great injury can result from its representations.

Its character as a private journal, for the dissemination of the views of one or more individuals, being once *recognized*, and all danger ceases.

In this regard, we have felt it due to the people of Charleston to proclaim to the world *the facts* and inferences which sustain our conclusion, that the Mercury, in its present aspect, is a *private*, and not a public organ.

ERSKINE.

[Editorial of the Charleston Mercury, September 17.]

THE MERCURY AND ITS ASSAILANTS.

Our readers, doubtless, may be somewhat surprised at the silence of the Mercury under the partizan assaults which have appeared against it, first in its own columns, and afterwards in the columns of the Charleston Courier and Standard. We had our motives for waiting our time, which we dare say our readers will understand by the time they finish reading this article. We propose now briefly to review our position and the positions of our assailants.

To understand the political state of things in Charleston, we will have to take a few steps backward in the course of time.

There are but two parties, according to our apprehension, in South Carolina—the National Democrats and the States Rights Democrats. National Democracy sprung up in South Carolina when it was proposed that the State should send delegates to the Cincinnati Convention. Heretofore South Carolina had declined sending delegates to any such Conventions. According to the Constitution, each State by itself, through its Electors, is to cast its vote independently for President and Vice-President of the United States. It is a high act of State Rights and of State Sovereignty. The States Rights party of South Carolina has long maintained that the Constitution, in this particular, should be observed, not only because it is the requisition of the Constitution, and a high act of State Sovereignty, but because the requisition is peculiarly favorable to the smaller States. When the Constitution was being made, a fierce struggle arose in the Convention framing it, between the larger and the smaller States, as to the manner in which the Executive of the United States should be elected. The larger States contended that numbers should control the election; the smaller States, that State Sovereignty should prevail—each State, as a sovereign State, casting one vote. Under the old Confederation, the States had voted in all matters as equals. The subject was compromised. It was agreed

that, as the two methods of election were incompatible with each other, the larger States should, through the Electoral Colleges, constituted on the basis of Representation in Congress, have the first chance of making the President and Vice-President of the United States. But if they failed in electing a President and Vice-President, by the Electoral Colleges, then the States should vote for these officers as equals, as sovereigns, in the House of Representatives, each State casting one vote. To defeat this compromise, and to prevent the smaller States from ever having an equal power with the larger States in the election of the President of the United States in Congress, and to secure to the larger States the power of making the President through the Electoral Colleges, National Conventions were gotten up. They were the invention of Martin Van Buren, under the auspices of Gen. Jackson. In these [redacted]ventions, emanating rightfully from the people in no way, neither ballot-box nor by appointments through the State Legislatures, self-constituted, irresponsible, the President and Vice-President of the United States is practically made. The Electoral Colleges in the several States are mere registering offices, wherein are recorded the previous acts of the National Convention.

If these views are correct, it is clear, that to be a States Rights Democrat, and yet a Conventionist, or National Democrat, is an impossibility. By supporting National Conventions to make the Executive of the United States, a Conventionist opposes and sacrifices States Rights; he sets aside the Constitution; he defeats the action of the States as sovereigns and equals in the election of the President of the United States. He is a consolidationist—not by perverting one or more clauses of the Constitution, but by disregarding the whole Constitution; not by the old way of a latitudinous construction, but by a direct violation of its provisions; not by the regular forms of the Constitution in legislation, but by an extrinsic, an unauthorized, and irresponsible action, unknown to the Constitution, and gotten up expressly to defeat its legitimate operations. He is a consolidationist, to concentrate and make available and predominant the power of the larger States, and to put aside and render inapplicable the power and rights of the smaller States in the confederacy. Nothing but a misapprehension of the meaning of terms will induce a man to suppose that he could be a States Rights Democrat, and yet support a policy which so flagrantly outrages the rights of the States and the Constitution. On this point, he is a New York Martin Van Buren National Democrat; a consolidationist, with whom the rights of the Constitution are sacrificed to secure party success and a party ascendency.

South Carolina being a small State—professing fealty to the Constitution, valuing States Rights and State Sovereignty—has refused heretofore to lend her aid to this unconstitutional device. Her great statesman, Mr. Calhoun, aided her in these counsels, and guided her policy; and it was only after he was no more with us, that, previous to the last Presidential election, it was attempted to enforce this policy on South Carolina. It was proclaimed that she must be nationalized—that she must be a follower of the National Democratic party; and, accordingly, *a party arose* in the State—National office holders and office seekers

being prominent in the organization—who, from some portions of it, sent Delegates first to Columbia, and then to the Cincinnati Convention. They assumed the livery of the National Democratic party. The division, thus forced upon the people of South Carolina, was not inoperative in the city of Charleston. It entered into the formation of parties, and the elections of last fall, and in the late election. At a meeting of the States Rights Democratic party, Mr. Whaley fully satisfied them of his position. At a meeting of the friends of Mr. Barker, nothing was said as to general principles, but from his answer to the questions put to him concerning the Georgia and Mississippi Resolutions, the inference was deduced that he would vote for a National Democrat for the Senate of the United States, whilst it was not doubted that Mr. Whaley would vote for a States Rights Democrat.

On the 21st August, a correspondent in the Evening News says:

"We have indeed heard it asserted that Mr. Barker is the candidate of the Broad-street Clique, and from the interest manifested in his election by these individuals, we are inclined to believe in the truth of the report. Is Mr. Barker a National Democrat? If so, is he unwilling to disclose the fact, and lose his claims to support on his allegiance to that party? Will Mr. Barker state what his own political antecedents and present *political connections* are? Mr. Barker's attention is respectfully invited to these matters."

To this respectful call no answer was made by Mr. Barker. On the 24th of August, a correspondent in the Charleston Mercury, signed "State Rights," dissatisfied with Mr. Barker's answer to the questions put to him as to the Georgia and Mississippi Resolutions, expressed himself as follows:

"Mr. Barker is ingenious in dealing with generalities, and his answer is good as far as it goes. But we think he should be a little more explicit. There is a national faction in this State, whose object it is to bind South Carolina to the great Democratic party of the Union—that party which holds Conventions for the purpose of making Presidents, and builds Platforms to be occupied only as long as it is expedient. We wish to know, and we ask it with respect, for we have no other feelings towards Mr. Barker, whether he is of that party, and whether he would regard Mr. Orr, or Mr. Pickens, or, probably, Mr. Perry, such a man as comes within the category of those he would support for Senator."

Here, in these communications in the public press, pending the election, it is distinctly charged that Mr. Barker is the candidate of the Broad-street Clique. He sees, also, without denial, the construction put upon his answer as to a United States Senator.

Mr. Barker himself, it is to be presumed, understood whether there was any party contest in his election; and he openly stated that it was a party contest, in which the Charleston Mercury and Mr. Whaley was of one party; and he, with the rest of the community, was of another. What the principles of the Mercury are, we presume there can be no doubt. It is of the States Rights Democratic Party—and there was but one other party opposed to this—the National Democratic Party.

His letter, referring to his acceptance of his nomination, is but a repetition of the same thing. He says: "I beg leave to say, that I

consented to become a candidate for the Legislature, at the solicitation of many persons, who, like myself, did not approve of Mr. Whaley's *political antecedents and connections.*" What was the *antecedent* most galling to him and his friends? The one, surely, that they thought proper to expose, and relied on in the canvass to defeat him. What was that? Why, that he had been of the National Democratic party. And what were his objectionable *political connections?* He had but one—that with the States Rights Democratic Party.

Nor out of the city of Charleston does there appear to have been, in the State, much misunderstanding as to the meaning of this election. The South Carolinian, a National Democratic organ, published the different answers of the candidates as to the Georgia and Mississippi resolutions, whilst the Pickens Courier, of August 29, takes the following notice of the elections:

"An election for a member to the Legislature from Charleston, to fill a vacancy, is creating considerable excitement. William Whaley, Esq., is the candidate of the ultra party, and Mr. T. G. Barker represents the Democracy of the city. Mr. Barker will, most probably, be successful."

Now, under all these circumstances, we beg leave to submit to our readers, had we not good reasons for expressing the opinion, that this election was significant as to the feelings and opinions of the people of Charleston with respect to parties in the State and the policy of the General Government?

The first assailant of the Mercury was a writer under the signature of "Charleston," who subsequently asserts that his communication was not anonymous, because he sent his name in a note to the editor, with the offer of payment for its insertion. We might suppose, therefore, that he desires the disclosure of his name. We reserve that. We inserted his communication without pay, and without the least comment from us. We let it go for what it was worth, in silence. He affirms that his communication was "decorous in language, and temperate in tone." We think that it was neither. He says in the communication—"the Mercury *pretends* that Mr. Barker's defeat was owing," &c. Is this language "decorous" and "temperate in tone?" If a man is stating facts, and "*pretends*" only—what is the inference? If we were to say of him, that in his statements against us he *pretends* to speak the truth—would he deem such language to be "decorous" and "temperate?" We think not. We, at least, would never have used such language towards him. Yet, we admitted his communication with the offensive and discourteous inuendo it contained, without, we trust, forfeiting our position to be a "respectable Journal!"

But let us turn to the reasons assigned by "Charleston" to prove our errors.

1. "Charleston" asserts that Mr. Whaley was a National Democrat, and, therefore, that no issue would have been made by the States Rights party in supporting him. This position was also taken by the "Standard."

Now, is it not strange that this assertion should be made, when they published Mr. Whaley's letter to Judge Magrath, to prove Mr. *Whaley's* inconsistency, and to injure him with the States Rights

party, by showing that he had been a National Democrat? Mr. Whaley never denied that he had been a National Democrat, but like thousands of others, who, within the last few months, have changed, he had learned that National Democracy may mean the betrayal of the South to party. In a speech he delivered to the States Rights party before the election, he made them as satisfied with his policy as all men in our city have always been satisfied with his integrity.

2. It is argued by "Charleston," that Mr. Barker was a State Rights Democrat in principle, and, therefore, that no issue could be made by his being opposed by the State Rights Democratic party, and supported by National Democrats.

It is not very unusual for a party who may not feel very strong, to support a man of general principles opposite to their own, to gain a particular end. Thus John Tyler, a Nullifier, was supported and elected by the Whigs in 1840 to the Vice-Presidency of the United States. The Tariff protection party have often joined with a portion of the Democratic party in the Northern Legislatures, and sent a Tariff Democrat to Congress. The object in this case might have been to secure a vote for a National Democrat in the Senate of the United States. But if no such objects existed, his "political connections" were with National Democrats, and that was enough for the opposition of the States Rights Democratic party.

3. "Charleston" affirms that the answer of Mr. Barker to the questions as to the Georgia and Mississippi resolutions, was, in substance, the same as Mr. Whaley's.

We think that it was not. The Georgia resolutions called on the President of the United States to remove Gov. Walker from office. Mr. Barker's answer evaded this point, and it gave no assurance that he would carry out the policy of the resolutions in this particular, in the election of a Senator of the United States, who would have to confirm or reject Walker's appointment in the Senate.

We turn, now, to "Wide Awake," the coadjutor of "Charleston."

1. He asserts "that the Mercury undertakes to make and unmake States Rights Democrats at its own behest."

We might drop the assertion with a simple denial, but we can guess to what he refers. We never asserted that no States Rights Democrat voted for Mr. Barker. On the contrary, we know of some staunch and true men who voted for Mr. Barker on account of Mr. Whaley's letter to Judge Magrath, showing that he had so lately been with the National Democratic party. Others voted for him from respect to his father, who, in 1848, was the candidate of the States Rights Democratic party for Congress, and was opposed and defeated by many of the men who now uphold the son. All that we asserted was this: that the bulk of the States Rights party voted for Mr. Whaley. We undertook to give position to no one.

2. "The gravemen of my charge is, that the Mercury does not hesitate to hold up to the State at large, as opponents of the States Rights Democratic party, individuals, because of their supposed hostility to the Mercury, however orthodox otherwise."

We answer simply by saying that we are not aware of having done anything or said anything to justify this charge.

3. "The complainant is, that the Mercury undertook to claim all who voted for its nominee, as States Rights Democrats; and, to misrepresent a large portion of those voting on the other side as in opposition, not to the Mercury, but to the States Rights Democratic party."

We have claimed, not that all who voted for Mr. Whaley were States Rights Democrats, but that the *great body* of his supporters were of this party. We neither represented nor misrepresented "a large portion of those voting on the other side," but we have said that the great body of them, were of the National Democratic party. We believe still this to be true.

4. He asserts "that Mr. Whaley was not the candidate of the States Rights party. When was he nominated? how did he become their candidate?"

Mr. Whaley was nominated by members of the States Rights party in the public press of the city. At large public meetings of his friends he avowed fully and distinctly the principles of the States Rights Democratic party, and was supported in the election by the great body of the party, while he was opposed by the great body of those known as the National Democrats.

5. "If Mr. Barker's position is all that the States Rights Democracy can desire, in what had Mr. Whaley the advantage previously, so as to make him so notoriously the candidate of the States Rights Democratic party?"

Mr. Barker, so far as his general principles were concerned, was unexceptionable to the States Rights party. But he opposed Mr. Whaley on account of his "*political connections.*" The State Rights party did the same to him for the same reason, and besides, they were satisfied that if elected to the legislature, he would not vote for a Senator who would carry out their policy in the Senate of the United States.

6. "Does the Mercury mean to imply that the 1,699 votes cast for Mr. Whaley, were States Rights votes, and the 1,073 cast for Mr. Barker, were the votes of men opposed to the doctrines and principles of the Southern Rights Democracy, as expressed in the Resolutions (sanctioned by the Mercury,) passed at the meeting of the party in 1855?"

We answer, that we mean to imply, that of the 1,699 votes cast for Whaley the great body of them are now States Rights Democrats. But we have never, by the remotest implication, asserted "that the 1,073 votes cast for Mr. Barker were the votes of men *opposed to the doctrines and principles* of the *Southern Rights Democracy*, as expressed in the resolutions of the party in 1855." We approved, and now approve, of those resolutions. They were directed against the Know Nothings, who are now, as a party, obsolete. So far from charging that a majority of those who voted for Mr. Barker were opposed to the resolutions of 1855, we think that a majority of them, most probably, voted for him.

7. "Does not the Mercury know that very many voters refused to consider party politics as involved in the election, and gave their suffrages for Mr. Whaley (a very pleasant and amiable gentleman) purely on personal grounds.

We admit all here asserted, but it does not alter the general character *of the election.*

8. It is further charged that the Mercury supported the Southern Rights organization against the Know Nothings some two years ago, and therefore it is now inconsistent for it to have the Know Nothings with the States Rights Party.

The Know Nothing party is dead as a party, in Charleston. The great majority of its members in Charleston were as staunch Southern Rights and States Rights men, as any in our midst. We now welcome them back to the States Rights Democratic Party, as we have done Mr. Whaley from the National Democratic Party, and, as we trust, we shall do thousands in the State, who will see how vain it is to rely on any National Party in the Union to protect and enforce the rights of the South.

9. But the great point made by "Wide Awake" is, that the Mercury has violated the freedom of the Press, in arresting discussion against its own positions in its own columns. The Mercury admitted "Charleston," and a reply to "Charleston" by a "States Rights Democrat," but rejected "Kansas," and claims the right of excluding from its own columns anonymous assailants of its positions.

We are really at a loss how to argue a proposition so plain as the right of an Editor to exclude assaults on his positions in his own columns. He must have this right, or every one has a right to introduce anything they please into his columns. Such a pretension is as inconsistent with the existence of the Press, as it is with the responsibility of the Editor. But morals and questions seem to vary to suit the Mercury. Last fall it was contended that the Editors of the Mercury were the proprietors, the sovereigns, the autocrats of their Press; and that, therefore, they were responsible for everything contained in its columns.—Now it is contended that they have, rightfully, no control whatever over their paper. They violate the liberty of the Press, they are tyrants, if they venture to decline printing in their columns assaults upon their own positions. These inconsistent positions only manifest the animosities, not the justice, of its assailants. So much has already been said on this point that we forbear, at the present, further discussion in an article already, we fear, too long. It is the first, and we trust may be the last time, we shall tax the patience of our readers in our defence.—"Erskine" has proved, to his entire satisfaction, that the Mercury is a *private*, and not a *public* Press, and we congratulate him upon his discovery.

[From the Charleston Standard of September 22.]

REJOINDER TO THE MERCURY'S REPLY.

This *persecuted* print, after much long suffering and forbearance, has turned upon "*its assailants*," in grave rebuke. Strange that such monsters should be found! Men so hard of heart and of spirit, so *aggressive*, as to "*assail*" a Press at once so *gentle* and so *just!*

"This Duncan
Hath borne his faculties so *meek;* hath been
So *clear,* in his great office.
* * * * * * * *
That tears should drown the wind."

Why is the Mercury persecuted? For myself,

"I am in blood,
Stept in so far, that should I wade no more,
Returning were as tedious as go o'er."

But to be serious. I should make no rejoinder to the Mercury's labored defence, but for the *new* matter introduced. On the old points I could but repeat myself. My former numbers still remain unanswered. The Mercury, however, true to its usual policy in not "bothering" its readers by presenting "both sides," gives no inkling in its reply of the counter statement of facts made by "Wide Awake," and cites the bald propositions without any notice of the argument or inferences intended to sustain them. This article, of course, will share the same fate. On these points, then, I will say but a word or two, and dismiss the subject.

1. Mr. Whaley himself, through the columns of the Mercury, declared to the voters of Charleston that there was "*no immediate issue involved in the contest*, save a personal opposition to himself," and as a voter of average intelligence, I myself declare that I was uninformed as to any such issue of principle presented. This is a question of *fact*, as to which I still insist that the Mercury was wrong.

2. The Mercury is again wrong in point of *fact*, when it speaks of Mr. Whaley's addressing the "States Rights party before the election." No such meeting was held before the election. The only meetings were those of the respective "*friends*" of the candidates. The call to the meeting referred to was such as to *exclude* every one not already satisfied with Mr. Whaley, and to *include* all—Whigs, National Democrats, and Know Nothings, who meant to vote for him—as well as his friends of the States Rights party.

As to the other point, affecting "*free discussion*," the Mercury is specially studious to prevent even the "bald propositions" of "Wide Awake" from reaching its readers.

I have accused the Mercury of *abusing its power*, in excluding articles MERELY on the ground that they questioned its positions—these articles coming from political friends and supporters of the paper, whilst it (the Mercury) reiterated statements in regard to the States Rights party, disputed by these persons. This, in a public political journal, was an abuse of the "discretion" vested in an Editor—a discretion which, it is conceded, gives him the control of the columns of his own paper. In a paper of the prestige and established reputation of the Mercury, this abuse of power was a "tyranny," and the editors are responsible before the tribunal of public opinion.

In what respect this position is inconsistent with an alleged personal responsibility of an Editor for an abuse of "discretion," still more mischievous, perhaps, in allowing the publication of matter clearly libellous, I must confess myself unable to perceive. Both the rejection and admission, *under these* respective circumstances are, in my opinion, in

violation of "the public responsibilities and duties" "binding" on Editors.

I propose, however, to notice the new matter introduced into the Mercury's defence, and here, I find that, which, I confess, is the root of offence with me in the course of the Mercury.

I am one of those simple mortals who think that those really in earnest, who have a great enterprise in view, should be anxious to enlist coadjutors enough to effect their purpose. When I see, therefore, those engaged in an enterprise difficult and perilous, whose position gives them power, habitually use that position to produce *distraction* and *division* rather than *union* and *concert*, I doubt their wisdom and capacity as leaders. When I see the usual spirit of intolerance and proscription yielding readily to personal predilections and interests, while it is aggravated and intensified into recklessness by local and personal antagonism, I consider such offenders as incorrigible.

The Mercury says that there are two parties in South Carolina—"the National Democrats and the States Rights Democrats." "National Democracy sprung up when it was proposed that the State should send delegates to the Cincinnati Convention."

I think, on the contrary, and I appeal to my fellow-citizens to sustain the truth of the assertion, that *no such* PARTIES, *as such, exist in the city of Charleston.* The Mercury, it is true, has labored hard *to produce such a division* in the Democratic ranks, but hitherto *it has failed.*

The true history is this: a movement was made by several influential gentlemen, for the purpose of arranging to send delegates to Cincinnati. A meeting was held, but the popular heart did not respond. The people were apathetic and indifferent—the masses took no part. The individuals concerned gained nothing by the movement; but, just as certainly, they lost nothing. The Mercury opened its batteries, and "far flashed its red artillery." But it all ended "in smoke." Again there was no response. Nobody minded the Mercury's thunderings. The people—the great mass of quiet voters cared nothing at all about the Cincinnati Convention. The few who disapproved (outside of the Mercury's family circle) cared quite too little to make it the cause of discord and strife, distraction and division, where, as good patriots, they felt that there should be harmony, concert and union. They could tolerate difference of opinion, and never, for a moment, thought of discarding long tried and valued friends because of a single error.

At the period of Judge Magrath's nomination, no impression whatever had been made on the public mind. His nomination for Congress was made without reference to this question. The Mercury, which but a short time before had in glowing language congratulated the country on Mr. Magrath's appointment as Judge, opened its columns to an attack upon him *on very many grounds*, personal and political—the *least of which* was his connection with this movement. Circumstances, brought about by this attack, induced the withdrawal of Judge Magrath. And a large portion of our citizens being satisfied with none of the remaining candidates, nominated the Hon. Wm. P. Miles—certainly without any reference whatever to this issue.

Mr. Porter was at the same time a candidate for re-election to the

Senate. The opposition to him, surely, had no reference to the Cincinnati Convention, nor had the support which insured his success. If Mr. Whaley, his opponent, has ever repudiated his advocacy of the Cincinnati Convention, I am not aware of it. He certainly had not done so then.

The only election since, is the recent one in which, if Mr. Whaley is to be allowed to define his own position, there was no such issue.

When, then, did the *people* of Charleston become divided into these "two parties?"

If there are two parties in Charleston, they are not such as the Mercury describes. If there are two parties, the one party consists, for the most part, of those persons known in 1855, as *Know Nothings*—the party which supported Mr. RICHARDSON for the Mayoralty—with whom, as it seems, the *Mercury* and a clique of personal adherents, have chosen to ally themselves. The other is comprised, chiefly, of the party known, in 1855, as the *Southern Rights party*—the party which elected Mr. MILES.

If the Mercury chooses to style the party with which it has formed its recent alliance, leavened with the new infusion, "*The States Rights Democratic party*," and to dub the other as "the National Democratic," it undertakes, as I have charged, to make and unmake States Rights Democrats at its pleasure?"

If this be not the true solution, there are no two parties in Charlestou, and every individual votes upon his own predilections, or under influences apart from party altogether.

The Mercury says that "the Know Nothing party is dead in Charleston." Yet the Mercury admits that Mr. Barker obtained *a majority* of those who formed "*the Southern Rights party*" of 1855. Whence came the large vote of Mr. Whaley? Can it be otherwise than that he obtained the *Know Nothing* vote with a *minority* fragment of those who constituted the other party?

If the *Know Nothings* or those who once were so, *vote* thus *together*, how can it be said that they are "*dead* as a party in Charleston?" The inference is rather that *they* live, and that the *Southern Rights party* "is dead in Charleston."

Strange that the Mercury should so readily "whistle down the wind" *its former friends and coadjutors*, and take to its "heart of hearts" the contemned *Know Nothongs* of 1855!

There must be something in that "Senatorial election" so often alluded to, more than meets the view.

But let us inquire who are these so called "*National Democrats*," whose touch is contamination to the Southern Rights Pharisees. They stand, in Charleston at least, *on the same platform* with QUITMAN and DAVIS, of Mississippi, YANCEY and CLAY, of Alabama, McDONALD and his supporters, of Georgia, HUNTER and MASON, and their friends in Virginia. Nay, they come up to, if they do not rise higher, than the *highest standard of Southern Rights* erected by "*ultraists*" and "*extremists*," as these are known in any other State than South Carolina.

Why should such men be denounced as unworthy of public confidence? Differ with them, if you please—argue with them—but do not

denounce and use your utmost efforts to drive them still further from you! It cannot come to good. "Concert," says Mr. Calhoun in his dying speech, his legacy to his beloved South, "*concert* is the one thing needful." Is this the course to secure it?

But why are *these men* denounced, and *Know Nothings* applauded as being "as staunch Southern Rights and States Rights men as any in our midst?" If the Know Nothings have repented and repudiated the atrocious doctrines—denounced by none more strongly than the Mercury in 1855—receive them again into the fold. This is right, provided you believe them sincere. But have they done so? One of their leaders publicly renounced the principles of the Order, and in the election of last fall he was abandoned by those who but lately acknowledged him as a chief. Where is the evidence of recantation, of repentance and repudiation on the part of those whom the Mercury thus openly prefers to National Democrats? Does the Mercury not know that, in the main, as they voted in 1855, they have voted in a body, in every election since? And does the Mercury believe that there is any man who desires their support in a body, as it has been hitherto given, *who dares* openly renounce the principles and doctrines which united that party in 1855? If the quondam Know Nothing still holds the principles of the Order, we have the Mercury's authority for it, that he "is opposed theoretically and practically to the principles which have hitherto characterized SOUTH CAROLINA *as a State*, and the SOUTHERN RIGHTS PARTY *everywhere*;" if he does not hold those principles, and remains silent, he avails himself, by a studied deception, of an organization originally formed upon those principles. Well might Mr. Barker object to any such "political connections."

I have said my say, and herewith renounce my pen.

WIDE AWAKE.

The following correspondence was made public in the papers of the city, at the instance of Col. Rhett's friends, and with the assent of Col. Hayne, on the morning of September 25.

CHARLESTON, SEPT. 23, 1857—5 o'clock, P. M.

Sir:—You have lately thought fit, in divers articles published in the Courier and Standard, under the signature of "Wide Awake," to attack the Mercury with no little bitterness. From your article in yesterday's Standard, I extract the following passage:

"Strange that the Mercury should so readily whistle down the wind *its former friends and coadjutors*, and take to its heart of hearts the contemned *Know Nothings* of 1855!

"There must be something in that Senatorial election, so often alluded to, more than meets the view."

The name of my father, the Hon. R. B. Rhett, has been mentioned in connection with the vacancy in the Senate of the United States from South Carolina, and I suppose it is to this you allude. I understand you to charge that the course of the Mercury has been governed, not by the motives and principles avowed, but by a desire to promote Mr. Rhett's election to the Senate.

Deeming such a charge an insulting aspersion, I beg leave to inquire whether you intend, directly or indirectly, to make it.

My friend, H. M. Manigault, will hand you this, and receive your reply.

Very respectfully yours,

R. B. RHETT, JR.

ISAAC W. HAYNE, Esq.

CHARLESTON, SEPTEMBER 24, 1857.

Sir:—I received your note yesterday at 5 o'clock, P. M.

You allude to divers articles published in the Courier and Standard, in which you say that I have attacked the Mercury with no little bitterness. I am not conscious that I have at all exceeded the bounds of legitimate comment on the course of a public journal. And my position was announced in reply to an article signed "Inquisitor," in which I expressed myself as follows:

"I will inform the Mercury, and its *next friend*, that the question raised is, in my opinion, one of *public right*, and so far as my action is *concerned, I intend* that it shall be settled by the reason and common

sentiment of freemen, and *not* by any personal issue between individuals."

I have seen no reason to change my position, and now re-affirm it.

The passage extracted from the later article, I notice only because you speak, not in the general character of Editor, but as a son of the Hon. R. B. Rhett.

My last article, like the preceding, was addressed to the course of the Mercury as a *public journal*; and I cannot perceive that to charge a paper, as such, with political inconsistency, arising from a desire to promote a favorite candidate or candidates to high public office, is an "insulting aspersion" upon any individual, nor was the expression cited intended as such by me.

Very respectfully, yours,

I. W. HAYNE.

To Col. R. B. RHETT, Jr.

—

CHARLESTON, SEPT. 24, 1857.

Sir:—Your note of this morning, handed to my friend, Mr. Manigault, by Hon. Wm. Porcher Miles, is before me.

With respect to the charge of inconsistency which you make against the Mercury as a journal, I am content that the State, with the evidence before it, shall decide upon the correctness or incorrectness of its position—its consistency or inconsistency.

Your reply that "(you) cannot perceive that to charge a paper, as such, with political inconsistency, arising from a desire to promote a favorite candidate or candidates to high public office, is 'an insulting aspersion' upon any individual, nor was the expression cited intended as such by (you)," is satisfactory.

Your obedient servant,

R. B. RHETT, Jr.

Col. ISAAC W. HAYNE.

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